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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,772	07/13/2001	Linda Angelone	GFM-00201	3503

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EXAMINER	
FRENEL, VANEL	
ART UNIT	PAPER NUMBER
3627	

MAIL DATE	DELIVERY MODE
05/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/905,772	ANGELONE ET AL.	
	Examiner	Art Unit	
	Vanel Frenel	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 2/24/07. Claims 1, 24-46 have been amended. Claims 1-46 are pending

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (5,704,045) in view of Aquila et al (2002/0035488) and further in view of Kern (6,604,080).

(A) Claim 1 has been amended to recite the limitations of: "obtaining", "at least one", "at least one insurance", "at least one", "determining when an assessment is needed based on a size of the insurance insolvency and an amount in the state fund" and "in response to the determination the assessment is needed".

King and Aquila do not explicitly disclose "obtaining", "at least one", "at least one insurance", "at least one", "determining when an assessment is needed based on a size of the insurance insolvency and an amount in the state fund" and "in response to the determination the assessment is needed".

However, these features are known in the art, as evidenced by Kern. In particular, Kern suggested that the method having "obtaining", "at least one", "at least one insurance", "at least one", "determining when an assessment is needed based on a size of the insurance insolvency and an amount in the state fund" and "in response to the determination the assessment is needed" (See Kern, Col.19, lines 55-67 to Col.20, line 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Kern within the collective teachings of King and Aquila with the motivation of providing under state law, the insurance company is liable to the injured employee. If the insurance company should fail, then the state guarantee fund becomes liable. Then, if the guarantee fund should not pay, the employer must do so. Contrast this with group self-insurance or assessable mutuals, where first the premium pool pays, and, if it becomes insolvent, then all member employers are jointly and severally liable or pro rata liable (See Kern, Col.19, lines 60-67).

(B) Claim 24 has been amended to recite the limitations of: "readable medium having stored thereon instructions", "machine executable code which when executed by at least one processor, causes the processor to perform steps comprising", "obtaining", "obtaining", "at least one", "at least one insurance", "at least one", "determining when an assessment is needed based on a size of the insurance insolvency and an amount in the state fund" and "in response to the determination the assessment is needed".

King and Aquila do not explicitly disclose "readable medium having stored thereon instructions", "machine executable code which when executed by at least one processor, causes the processor to perform steps comprising", "obtaining", "obtaining", "at least one", "at least one insurance", "at least one", "determining when an assessment is needed based on a size of the insurance insolvency and an amount in the state fund" and "in response to the determination the assessment is needed".

However, these features are known in the art, as evidenced by Kern. In particular, Kern suggested that the computer readable medium having stored thereon instructions", "machine executable code which when executed by at least one processor (See Kern, Col.21, lines 23-33), causes the processor to perform steps (See Kern, Col.21, lines 23-33) comprising", "obtaining", "obtaining", "at least one", "at least one insurance", "at least one", "determining when an assessment is needed based on a size of the insurance insolvency and an amount in the state fund" and "in response to the determination the assessment is needed" (See Kern, Col.19, lines 55-67 to Col.20, line 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Kern within the collective teachings of King and Aquila with the motivation of providing under state law, the insurance company is liable to the injured employee. If the insurance company should fail, then the state guarantee fund becomes liable. Then, if the guarantee fund should not pay, the employer must do so. Contrast this with group self-insurance or assessable mutuals, where first the premium pool pays, and, if it becomes insolvent, then all member

employers are jointly and severally liable or pro rata liable (See Kern, Col.19, lines 60-67).

(C) Claims 25 and 43 have amended to recite the limitations of: "medium" and "medium further comprising". However, these changes do not affect the scope and the breadth of the claims as previously presented, are rejected for the same reasons given in the previous Office Action, and incorporated herein.

(D) Claims 26-42 and 44-46 have been amended to recite the word "medium". However, this changes does not affect the scope and the breadth of the claims as previously presented, are rejected for the same reasons given in the previous Office Action, and incorporated herein.

(E) Claims 2-23 have not been amended are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

4. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches method and computerized system for managing insurance receivable accounts (5,991,733).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Forian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F
V.F

April 27, 2007

Andrew Joseph Rudy
Primary Examiner, AU 3627